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09/874,256	06/06/2001	Hiromu Mukai	54024-036	5952.

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EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/874,256

Applicant(s)

MUKAI ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. JP2000-171980, filed on 6/8/2000.

### *Specification*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to provide description of the recited “**two pairs of said image pickup units**” as required in claim 7.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “two pairs of said image pickup units” recited in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for *one pair of image pickup units*, **does not** reasonably provide enablement for *two pairs of image pickup units*. The specification does not enable any person skilled in the art

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to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with the claim. It is clear in Fig. 14 that only one pair of image pickup units (20a & 20b) are shown.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robb (US 6,177,950) in view of Ueyama (US 6,078,440).

Regarding claim 1, Robb discloses a portable terminal (e.g., video phone) for transmitting and receiving information (Figs. 1A-3B; col. 1, lines 29-40 and col. 9, lines 7-25) comprising:

a main body (Figs. 1A, B & 6);

an image pickup unit (Fig. 6) having an optical system and an image pickup element for picking up an image of an object (see col. 10, lines 33-58);

a pivot mechanism (Fig. 6) for supporting the image pickup unit, the image pickup unit being allowed to pivot centered on one axis with respect to the main body (col. 10, lines 33-58);

Robb fails to teach that the pivot mechanism is allowed to freely pivot centered on at least *two axes* with respect to the main body. As taught by Ueyama, an image pickup unit is

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supported by a pivot mechanism that allows the image pickup unit to freely pivot centered on at least two axes with respect to its main body so that a moving object can be automatically chased by the image pickup unit (see Figs. 1-3 and col. 5, lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art to improve the portable terminal in Robb by incorporating the teaching of Ueyama to implement a pivot mechanism in such a way that the image pickup unit is freely pivot centered on at least two axes with respect to the main body for automatic object chasing.

Regarding claim 2, Robb (Fig. 6) and Ueyama (Figs. 1-3) show that the image pickup unit is virtually housed into the main body.

Regarding claim 3, also disclosed in Ueyama is a driving section for allowing the image pickup unit to pivot centered on at least two axes; and an input section (encoders 27a, 27b) for receiving inputs at least two parameters (two different directional data) as operation inputs of a pivot operation of the image pickup unit. See Ueyama, Figs. 3 & 7; col. 4, line 42 – col. 6, line 10 for automatically chasing a moving object.

Regarding claim 4, Robb clearly teaches that the image pickup unit is directed to a front face side and a rear face side of the main body. See Robb, Fig. 6, col. 10, lines 33-58.

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Regarding claim 5, it is clear in Robb (Fig. 6) and Ueyama (Figs. 1 & 3) in Ueyama that the image pickup unit is allowed to pivot centered on an axis parallel to a light axis of the optical system by the pivot mechanism.

Regarding claim 6, Robb further discloses that the controller in the video phone is preferably arranged to respond to appropriate command inputs to capture image data and then the captured image is stored in the internal memory, displayed or transmitted to other compatible devices or remote processing center (col. 4, lines 5-9 and col. 7, lines 34-39). Such the videophone inherently has a switching section for switching operation modes between an image pickup mode and a communication mode in order to function as disclosed.

Regarding claim 8, Ueyama also discloses a section (54, Fig. 7) for detecting a position of a specific subject in the image and a section (57) for controlling the driving section so as to place the specific subject virtually in a center of the image (automatic chasing the subject). See Ueyama, col. 5, line 55 – col. 6, line 1.

Regarding claim 9, as disclosed by Ueyama in *Fig. 3, col. 4, lines 42-57* that the input section comprises: a disc shape rotation member (30, 40) that rotatively driven;

a section for detecting an amount of rotation (27a, 27b) of the rotation member,

a section (27a) for detecting a force in a first direction given to the rotation member (note that 27a is inherently used to detect a force in a first direction by virtue of detecting an amount of rotation since the rotation is caused by an applied force),

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a section (27b) for detecting a force in a second direction given to the rotation member (note that 27b is inherently used to detect a force in a second direction by virtue of detecting an amount of rotation since the rotation is caused by an applied force);

wherein two parameters included in the at least two parameters are inputted as the amount of rotation detected together with the inherent detection of force in the first and second directions.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robb and Ueyama as applied to claim 1 and in further view of Omori et al (US 5,818,399) (*as best understood from the Applicant's specification*).

Regarding claim 7, Robb and Ueyama teach a single image pickup unit and its pivot mechanism incorporated in a videophone. Robb and Ueyama fail to teach a pair of image pickup units and corresponding pivot mechanisms. However, it is well known in the art that a pair of image pickup units are implemented in a video phone for capturing stereoscopic image as taught by Omori in Fig. 3, wherein a pair of image pickup units (103) are installed to capture, display and transmit stereoscopic images. See Omori, col. 7, line 58 - col. 8, line 18.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the video phone in Robb and Ueyama by providing a second image pickup unit and its corresponding pivot mechanism in addition to the existing image pickup and its pivot mechanism to enable capturing, displaying and transmitting stereoscopic images in a well known fashion.



***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

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ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600